

Executive Summary – Enforcement Matter – Case No. 46856
Flint Hills Resources Port Arthur, LLC
RN100217389
Docket No. 2013-0966-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Flint Hills Resources Port Arthur Facility, 4241 Savannah Avenue, Port Arthur,
Jefferson County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2013-0759-AIR-E,
2013-0164-AIR-E, 2012-1849-AIR-E, and 2013-1610-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 11, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,689

Amount Deferred for Expedited Settlement: \$3,937

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,876

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$7,876

Name of SEP: Southeast Texas Regional Planning Commission

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 25, 2013 and April 22, 2013

Executive Summary – Enforcement Matter – Case No. 46856
Flint Hills Resources Port Arthur, LLC
RN100217389
Docket No. 2013-0966-AIR-E

Date(s) of NOE(s): May 7, 2013 and May 30, 2013

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, Respondent released 7.98 pounds ("lbs") of cyclopentadiene, 56.37 lbs of 1,3-butadiene, 32.80 lbs of acetylene, 27.85 lbs of benzene, 2.96 lbs of ethylbenzene, 1,732.06 lbs of ethylene, 11.87 lbs of methylcyclopentadiene, 33.87 lbs of propane, 64.39 lbs of propylene, 2.67 lbs of styrene, 4.16 lbs of toluene, 18.41 lbs of miscellaneous volatile organic compounds, 3.87 lbs of 1-butene, 5.89 lbs of butane, and 3.27 lbs of carbon monoxide ("CO"), during an emissions event (Incident No. 178543) that began on January 24, 2013 and lasted 75 hours. The event occurred when a leak developed on an effluent line clamp associated with the F Cracking Furnace. Since this emissions event could have been prevented by better operational and maintenance practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1317, Special Terms and Conditions ("STC") No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, Respondent released 2,632.76 lbs of CO, 5,079.69 lbs of ethylene, 333.47 lbs of propylene, 65.53 lbs of propane, 77.41 lbs of butane, 9.46 lbs of isobutane, 32.71 lbs of isobutylene, 81.06 lbs of 1,3-butadiene, 219.58 lbs of pentane, 54.39 lbs of benzene, 16.06 lbs of toluene, 5.19 lbs of ethylbenzene, 4.35 lbs of xylenes, 364.52 lbs of nitrogen oxides ("NOx"), and 36.06 lbs of butylene from the Light Olefins Unit ("LOU") Flare, during an emissions event (Incident No. 180402) that began on March 13, 2013 and lasted five hours and six minutes. The event occurred when a quarter turn ball valve on an instrument air supply line to LC 330, Ethylene Tower Condenser control valve was unintentionally closed. Since this emissions event could have been prevented by better operational and maintenance practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1, FOP No. O1317, STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, Respondent released 51.81 lbs of 1-butene, 65.70 lbs of 1-3 butadiene, 46.61 lbs of butane, 2,795.84 lbs of CO, 4.92 lbs of ethylbenzene, 4,263.49 lbs of ethylene, 12.27 lbs of isobutane, 38.13 lbs of isobutylene, 387.09 lbs NOx, 173.51 lbs of n-pentane, 208.35 lbs of propane, 463.48 lbs of propylene, 9.20 lbs of toluene, 4.19 lbs of xylenes, and 50.86 lbs of benzene from the LOU Flare, during an emissions event (Incident No. 179942) that began on March 1, 2013 and lasted seven hours and 15 minutes. The event occurred when a loss of lube oil pressure caused the ethylene and propylene refrigeration compressors to shutdown. Since this emissions event could have been prevented by better operational and

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Flint Hills Resources Port Arthur, LLC
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Docket No. 2013-0966-AIR-E

maintenance practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1, FOP No. 01317, STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On February 10, 2013, made a repair to stop the leak of the effluent line clamp associated with the F Cracking Furnace to prevent the recurrence of emissions events due to same or similar causes as Incident No. 178543;
- b. On March 14, 2013, the vendor associated with this event conducted a Safety Stand Down meeting with their personnel to discuss the importance of situational and environmental awareness of surroundings to prevent the recurrence of emissions events due to same or similar causes as Incident No. 180402; and
- c. On April 24, 2013, modified the procedure to address the primary indicators of lube oil flow into the accumulator to prevent the recurrence of emissions events due to same or similar causes as Incident No. 179942.

Technical Requirements:

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Executive Summary – Enforcement Matter – Case No. 46856
Flint Hills Resources Port Arthur, LLC
RN100217389
Docket No. 2013-0966-AIR-E

Respondent: Jeff Tilley, Vice President, Flint Hills Resources Port Arthur, LLC, 4241 Savannah Avenue, Port Arthur, Texas 77640

Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-0966-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Flint Hills Resources Port Arthur, LLC
Penalty Amount:	Fifteen Thousand Seven Hundred Fifty-Two Dollars (\$15,752)
SEP Amount:	Seven Thousand Eight Hundred Seventy-Six Dollars (\$7,876)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission - Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Administrator and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640

Flint Hills Resources Port Arthur, LLC
Agreed Order - Attachment A

8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Administrator and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency ("EPA") guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Administrator must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Administrator. The Third-Party Administrator may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter, sulfides, nitrogen oxides, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-

Flint Hills Resources Port Arthur, LLC
Agreed Order - Attachment A

butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the TCEQ, industry, and the public at http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Administrator. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Southeast Texas Regional Planning Commission
Bob Dickinson, Director of Transportation & Environmental Resources
Attention: SEP
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in No. 3 above, the Executive Director may require immediate payment of all or part of the SEP

Flint Hills Resources Port Arthur, LLC
Agreed Order - Attachment A

amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in No. 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES **Assigned** 5-Jun-2013 **PCW** 13-Jun-2013 **Screening** 5-Jun-2013 **EPA Due** 20-Dec-2013

RESPONDENT/FACILITY INFORMATION

Respondent Flint Hills Resources Port Arthur, LLC
Reg. Ent. Ref. No. RN100217389
Facility/Site Region 10-Beaumont **Major/Minor Source** Major

CASE INFORMATION

Enf./Case ID No. 46856 **No. of Violations** 3
Docket No. 2013-0966-AIR-E **Order Type** 1660
Media Program(s) Air **Government/Non-Profit** No
Multi-Media **Enf. Coordinator** Nadia Hameed
EC's Team Enforcement Team 5
Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$11,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 100.0% Enhancement **Subtotals 2, 3, & 7** \$11,250

Notes Enhancement for one NOV with same/similar violations, two NOVs with dissimilar violations, fourteen orders with denial of liability, and four orders without denial of liability. Reduction for six notices of intent to conduct an audit and two disclosures of violations.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$2,811

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$90
 Approx. Cost of Compliance \$38,163
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$19,689

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$19,689

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$19,689

DEFERRAL 20.0% Reduction **Adjustment** -\$3,937

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$15,752

Screening Date 5-Jun-2013

Docket No. 2013-0966-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 46856

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	14	280%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 379%>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%>> **Compliance History Summary****Compliance History Notes**

Enhancement for one NOV with same/similar violations, two NOVs with dissimilar violations, fourteen orders with denial of liability, and four orders without denial of liability. Reduction for six notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 379%>> **Final Compliance History Adjustment****Final Adjustment Percentage *capped at 100%** 100%

Screening Date 5-Jun-2013

Docket No. 2013-0966-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 46856

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1317, Special Terms and Conditions ("STC") No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 7.98 pounds ("lbs") of cyclopentadiene, 56.37 lbs of 1,3-butadiene, 32.80 lbs of acetylene, 27.85 lbs of benzene, 2.96 lbs of ethylbenzene, 1,732.06 lbs of ethylene, 11.87 lbs of methylcyclopentadiene, 33.87 lbs of propane, 64.39 lbs of propylene, 2.67 lbs of styrene, 4.16 lbs of toluene, 18.41 lbs of miscellaneous volatile organic compounds, 3.87 lbs of 1-butene, 5.89 lbs of butane, and 3.27 lbs of carbon monoxide ("CO"), during an emissions event (Incident No. 178543) that began on January 24, 2013 and lasted 75 hours. The event occurred when a leak developed on an effluent line clamp associated with the F Cracking Furnace. Since this emissions event could have been prevented by better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 4 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on February 10, 2013, prior to the May 7, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$87

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Flint Hills Resources Port Arthur, LLC

Case ID No. 46856

Reg. Ent. Reference No. RN100217389

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$37,163	24-Jan-2013	10-Feb-2013	0.05	\$87	n/a	\$87

Notes for DELAYED costs

Actual cost to repair the leak to prevent the recurrence of emissions events due to same or similar causes as Incident No. 178543. The Date Required is the date the emissions event began. The Final Date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$37,163

TOTAL

\$87

Screening Date 5-Jun-2013

Docket No. 2013-0966-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 46856

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1, FOP No. O1317, STC No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,632.76 lbs of CO, 5,079.69 lbs of ethylene, 333.47 lbs of propylene, 65.53 lbs of propane, 77.41 lbs of butane, 9.46 lbs of isobutane, 32.71 lbs of isobutylene, 81.06 lbs of 1,3-butadiene, 219.58 lbs of pentane, 54.39 lbs of benzene, 16.06 lbs of toluene, 5.19 lbs of ethylbenzene, 4.35 lbs of xylenes, 364.52 lbs of nitrogen oxides ("NOx"), and 36.06 lbs of butylene from the Light Olefins Unit ("LOU") Flare, during an emissions event (Incident No. 180402) that began on March 13, 2013 and lasted five hours and six minutes. The event occurred when a quarter turn ball valve on an instrument air supply line to LC 330, Ethylene Tower Condenser control valve, was unintentionally closed. Since this emissions event could have been prevented by better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

X

N/A

(mark with x)

Notes

The Respondent completed the corrective action on March 14, 2013, prior to the May 30, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Flint Hills Resources Port Arthur, LLC

Case ID No. 46856

Reg. Ent. Reference No. RN100217389

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**

Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	13-Mar-2013	14-Mar-2013	0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct training to prevent recurrence of emissions events due to same or similar causes as Incident No. 180402. The Date Required is the date of the emissions event. The Final Date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$0

Screening Date 5-Jun-2013

Docket No. 2013-0966-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 46856

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1, FOP No. O1317, STC No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 51.81 lbs of 1-butene, 65.70 lbs of 1-3 butadiene, 46.61 lbs of butane, 2,795.84 lbs of CO, 4.92 lbs of ethylbenzene, 4,263.49 lbs of ethylene, 12.27 lbs of isobutane, 38.13 lbs of isobutylene, 387.09 lbs of NOx, 173.51 lbs of n-pentane, 208.35 lbs of propane, 463.48 lbs of propylene, 9.20 lbs of toluene, 4.19 lbs of xylenes, and 50.86 lbs of benzene from the LOU Flare, during an emissions event (Incident No. 179942) that began on March 1, 2013 and lasted seven hours and 15 minutes. The event occurred when a loss of lube oil pressure caused the ethylene and propylene refrigeration compressors to shutdown. Since this emissions event could have been prevented by better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent completed the corrective actions on April 24, 2013, prior to the May 30, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Flint Hills Resources Port Arthur, LLC

Case ID No. 46856

Reg. Ent. Reference No. RN100217389

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Mar-2013	24-Apr-2013	0.15	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to modify the procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 179942. The Date Required is the date of the emissions event. The Final Date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$4

The TCEQ is committed to accessibility.

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603743030, RN100217389, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN603743030, Flint Hills Resources Port Arthur, LLC	Classification: SATISFACTORY	Rating: 13.69
Regulated Entity:	RN100217389, FLINT HILLS RESOURCES PORT ARTHUR FACILITY	Classification: SATISFACTORY	Rating: 28.92
Complexity Points:	28	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	4241 SAVANNAH AVE PORT ARTHUR, TX 77640-3668, JEFFERSON COUNTY		
TCEQ Region:	REGION 10 - BEAUMONT		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0135Q
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 89230
WASTEWATER EPA ID TX0105287

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0135Q
AIR NEW SOURCE PERMITS REGISTRATION 54845
AIR NEW SOURCE PERMITS REGISTRATION 55150
AIR NEW SOURCE PERMITS REGISTRATION 75753
AIR NEW SOURCE PERMITS REGISTRATION 75685
AIR NEW SOURCE PERMITS REGISTRATION 75824
AIR NEW SOURCE PERMITS AFS NUM 4824500082
AIR NEW SOURCE PERMITS REGISTRATION 70504
AIR NEW SOURCE PERMITS REGISTRATION 70256
AIR NEW SOURCE PERMITS REGISTRATION 71484
AIR NEW SOURCE PERMITS REGISTRATION 72282
AIR NEW SOURCE PERMITS REGISTRATION 71742
AIR NEW SOURCE PERMITS REGISTRATION 73136
AIR NEW SOURCE PERMITS REGISTRATION 73618
AIR NEW SOURCE PERMITS REGISTRATION 74779
AIR NEW SOURCE PERMITS REGISTRATION 74299
AIR NEW SOURCE PERMITS REGISTRATION 75259
AIR NEW SOURCE PERMITS REGISTRATION 76405
AIR NEW SOURCE PERMITS PERMIT 79802
AIR NEW SOURCE PERMITS REGISTRATION 80563
AIR NEW SOURCE PERMITS REGISTRATION 81542
AIR NEW SOURCE PERMITS REGISTRATION 70191
AIR NEW SOURCE PERMITS REGISTRATION 83299
AIR NEW SOURCE PERMITS REGISTRATION 52120
AIR NEW SOURCE PERMITS REGISTRATION 89369
AIR NEW SOURCE PERMITS REGISTRATION 91407
AIR NEW SOURCE PERMITS REGISTRATION 91169
AIR NEW SOURCE PERMITS REGISTRATION 92316
AIR NEW SOURCE PERMITS REGISTRATION 91729
AIR NEW SOURCE PERMITS REGISTRATION 93271
AIR NEW SOURCE PERMITS REGISTRATION 92063
AIR NEW SOURCE PERMITS REGISTRATION 92476
AIR NEW SOURCE PERMITS REGISTRATION 93815
AIR NEW SOURCE PERMITS REGISTRATION 93499
AIR NEW SOURCE PERMITS REGISTRATION 95429

AIR OPERATING PERMITS PERMIT 1317
WASTEWATER PERMIT WQ0003057000

AIR NEW SOURCE PERMITS PERMIT 16989
AIR NEW SOURCE PERMITS REGISTRATION 54780
AIR NEW SOURCE PERMITS REGISTRATION 55149
AIR NEW SOURCE PERMITS REGISTRATION 55148
AIR NEW SOURCE PERMITS REGISTRATION 76098
AIR NEW SOURCE PERMITS REGISTRATION 76342
AIR NEW SOURCE PERMITS REGISTRATION 56739
AIR NEW SOURCE PERMITS REGISTRATION 70435
AIR NEW SOURCE PERMITS REGISTRATION 70231
AIR NEW SOURCE PERMITS REGISTRATION 70780
AIR NEW SOURCE PERMITS REGISTRATION 71465
AIR NEW SOURCE PERMITS REGISTRATION 72235
AIR NEW SOURCE PERMITS REGISTRATION 72541
AIR NEW SOURCE PERMITS REGISTRATION 73892
AIR NEW SOURCE PERMITS REGISTRATION 73988
AIR NEW SOURCE PERMITS REGISTRATION 75061
AIR NEW SOURCE PERMITS REGISTRATION 74850
AIR NEW SOURCE PERMITS REGISTRATION 75258
AIR NEW SOURCE PERMITS REGISTRATION 76648
AIR NEW SOURCE PERMITS REGISTRATION 80894
AIR NEW SOURCE PERMITS REGISTRATION 81224
AIR NEW SOURCE PERMITS REGISTRATION 56574
AIR NEW SOURCE PERMITS REGISTRATION 48586
AIR NEW SOURCE PERMITS REGISTRATION 52327
AIR NEW SOURCE PERMITS REGISTRATION 90818
AIR NEW SOURCE PERMITS REGISTRATION 84551
AIR NEW SOURCE PERMITS REGISTRATION 86625
AIR NEW SOURCE PERMITS REGISTRATION 92300
AIR NEW SOURCE PERMITS REGISTRATION 85841
AIR NEW SOURCE PERMITS REGISTRATION 92251
AIR NEW SOURCE PERMITS REGISTRATION 91594
AIR NEW SOURCE PERMITS REGISTRATION 92475
AIR NEW SOURCE PERMITS REGISTRATION 91783
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX794
AIR NEW SOURCE PERMITS REGISTRATION 94277
AIR NEW SOURCE PERMITS REGISTRATION 95248

AIR NEW SOURCE PERMITS REGISTRATION 95830
AIR NEW SOURCE PERMITS REGISTRATION 96570
AIR NEW SOURCE PERMITS REGISTRATION 96324
AIR NEW SOURCE PERMITS REGISTRATION 97234
AIR NEW SOURCE PERMITS REGISTRATION 100267
AIR NEW SOURCE PERMITS REGISTRATION 96727
AIR NEW SOURCE PERMITS REGISTRATION 98730
AIR NEW SOURCE PERMITS REGISTRATION 101847
AIR NEW SOURCE PERMITS REGISTRATION 104357
AIR NEW SOURCE PERMITS REGISTRATION 108278
AIR NEW SOURCE PERMITS REGISTRATION 105729
AIR NEW SOURCE PERMITS REGISTRATION 109241

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50399

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 89230

POLLUTION PREVENTION PLANNING ID NUMBER
P00678

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012

Rating Date: 09/01/2012

Date Compliance History Report Prepared: May 15, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 14, 2008 to May 14, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Nadia Hameed

Phone: (713) 767-3629

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A.Final Orders, court judgments, and consent decrees:

- 1 **Effective Date:** 05/22/2008 **ADMINORDER** 2006-1775-MLM-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:16989/PSD-TX-794, Special Condition 1 PERMIT
O-01317, General Terms and Conditions OP
O-01317, Special Condition 16 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent the release of unauthorized emissions to the atmosphere during an unplanned shutdown activity.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov:16989/PSD-TX-794, Special Condition 1 PERMIT
O-01317, General Terms and Conditions OP
O-01317, Special Condition 16 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

2 Effective Date: 11/17/2008 ADMINORDER 2008-0568-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failed to prevent the failure of the governor valve and subsequent shutdown of the Light Olefins Unit ("LOU") Ethylene Compressor and flaring of process gases on Nove. During the emissions event lasting 13 hours and 20 minutes, the total unauthorized emissions from the LOU flare were 3,747.2 pounds ("lbs") of carbon monoxide ("CO"), 2,732.85 lbs of volatile organic compounds ("VOC"), and 518.81 lbs of nitrogen oxides ("NOx").

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failed to prevent a contractor from inadvertently closing the air supply valve to the hydrogen feed valve, resulting in loss of hydrogen flow to the acetylene reactors, resulting in the automatic diversion of the ethylene tower feed from the de-ethanizer overhead to the LOU flare on November 30, 2007. During the emissions event lasting seven hours, the total unauthorized emissions from the LOU flare were 7,176.86 lbs of VOC, 6,521.22 lbs of CO, and 902.88 lbs NOx.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failed to prevent excess emissions from Tank 33752 on November 19, 2007, when hydrocarbon streams which were at a cool temperature were introduced into the tank which was at an elevated temperature. During the emissions event which lasted 30 minutes, 186.79 lbs of benzene and 151.69 lbs of other VOCs were released. Because these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense could not be met.

3 Effective Date: 01/30/2009 ADMINORDER 2008-1066-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The December 28, 2007, emissions event resulted due to the shut down of the Ethylene Refrigeration Compressor, which was initiated by a false high speed indication, during a thunderstorm. According to the internal investigation report submitted by FHR, the design of the Ethylene Refrigeration Compressor was not to the required specifications, and the high speed indication wiring was grounded at both ends.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 PERMIT

FOP-O-01317 Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The January 18, 2008, emissions event resulted when a contractor failed to follow facility procedure while off loading the vacuum truck into the GHU sump.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 PERMIT

FOP-O-01317 Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The February 27, 2008, emissions event resulted when the converter board operator failed to immediately respond to the drop in pressure to pressure control valve 395.

4 **Effective Date: 03/12/2009 ADMINORDER 2008-1269-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:1317, General Terms and Conditions OP

1317, Special Condition 16 OP

16989/PSD-TX-794, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

5 **Effective Date: 08/23/2009 ADMINORDER 2009-0121-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The emissions event incident 109860 was caused when a wrong procedure was used during valve selection.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The June 28, 2008, emissions event was caused when placing the "F" furnace on-line. A lack of sufficient excess total hydrogen feed to the ethylene reactors caused a high concentration of acetylene to the Ethylene Tower Feed.

6 **Effective Date: 12/18/2009 ADMINORDER 2009-0916-AIR-E (Findings Order-Agreed Order Without Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 OP

O-01317 Special Condition 16 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 122769, in violation of Air Permit No. 16989, Special Condition No. 1, Air Permit No. O-01317, Special Condition No. 16, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794, Special Condition 1 OP
O-01317, Special Condition 16 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 121878, in violation of Air Permit No. 16989, Special Condition No. 1, Air Permit No. O-01317, Special Condition No. 16, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

7 Effective Date: 02/22/2010 ADMINORDER 2009-1335-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794, Special Condition 1 PERMIT
O-01317, Special Condition 16 OP

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-01317 Special Condition 2F OP

Description: Failure to submit an emission event within 24 hours after discovery of an emission event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794, Special Condition 1 OP
O-01317, Special Condition 16 PERMIT

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

8 Effective Date: 06/26/2010 ADMINORDER 2009-1676-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794, Special Condition 1 PERMIT
O-01317, Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 OP
O-01317, Special Condition 16 PERMIT

Description: Failure to maintain emissions below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794, Special Condition 1 OP
O-01317, Special Condition 16 PERMIT

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794, General Terms & Condit OP
O-01317, Special Condition 2F PERMIT

Description: Failure to submit initial notification for an emissions event within 24 hours of discovery. Specifically, Incident No. 127182 occurred on July 17, 2009, and was not reported until July 23, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794, Special Condition 1 PERMIT
O-01317, Special Condition 16 OP

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 PERMIT
O-01317 Special Condition 22 OP

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/ PSD-TX-794, Special Condition 1 PERMIT
O-01317, Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit.

9 **Effective Date: 07/11/2010 ADMINORDER 2009-1999-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 PERMIT
O-01317 Special Condition 22 OP

Description: Failed to prevent unauthorized emissions during Incident No. 128951.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition PERMIT
O-01317 Special Condition 22 OP

Description: Failed to prevent unauthorized emissions during Incident No. 129338.

10 **Effective Date: 08/30/2010 ADMINORDER 2010-0309-AIR-E (Findings Order-Agreed Order Without Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 PERMIT
FOP O-01317, Special Condition 16 OP

Description: The Respondent failed to prevent unauthorized emissions during Incident No. 130668.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-01317, Special Condition 16 PERMIT
Permit 16989/PSD-TX-794, SC 1 OP

Description: The Respondent failed to prevent unauthorized emissions during Incident No. 130566.

11

Effective Date: 02/05/2011 ADMINORDER 2010-0854-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794, Special Condition 1 PERMIT
FOP-O-01317, Special Condition No. 22 OP

Description: The Respondent failed to prevent unauthorized emissions during Incident No. 134373.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-01317, Special Condition 2F OP

Description: the Respondent failed to report Incident No. 134373 within 24 hours after discovery.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 PERMIT
O-01317 Special Condition No. 22 OP

Description: The Respondent failed to prevent unauthorized emissions during Incident No. 134219.

12

Effective Date: 02/20/2011 ADMINORDER 2010-1099-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 PERMIT
O-01317 Special Condition 16 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 20.98 lbs of CO, 3,898.22 lbs of VOC and 0.56 lbs of hydrogen sulfide from the Spent Caustic Degassing Drum during an avoidable emissions event (Incident No. 134917) that began on January 23, 2010 and lasted 19 hours and 18 minutes. The event was caused by the failure of a level controller that led to a complete loss of liquid in the drum. The loss of liquid caused a pathway that allowed process vapors to flow to Flo

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 PERMIT
O-01317 Special Condition 16 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 704.76 lbs of CO, 917.79 lbs of VOC and 97.58 lbs of NOx from the LOU Flare during an avoidable emissions event (Incident No. 136904) that began on March 8, 2010 and lasted 50 hours and 29 minutes. The event was caused by the failure to completely close the drain valve on the Second Stage Compressor Cracked Gas Drip Leg after draining the drip leg, leading to emissions being vented to the atmosphere through the flare

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 PERMIT
O-01317 Special Condition 16 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 295.60 pounds ("lbs") of

carbon monoxide ("CO"), 347.77 lbs of volatile organic compounds ("VOC") and 40.93 lbs of nitrogen oxide ("NOx") from the Light Olefins Unit ("LOU") Flare during an avoidable emissions event (Incident No. 136126) that began on February 21, 2010 and lasted seven hours and 30 minutes. The event was caused by the degradation of insulation on high voltage electrical lines leading to the shutdown

- 13 **Effective Date: 06/20/2011** **ADMINORDER 2010-1865-AIR-E** **(1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-01317, Special Terms and Conditions 22 OP
Permit 16989/PSD-TX-794 SC 1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition PERMIT
O-01317, Special Terms and Conditions 22 OP
Description: Failed to prevent unauthorized emissions.
- 14 **Effective Date: 08/27/2011** **ADMINORDER 2011-0287-AIR-E** **(1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
O-01317, Special Terms & Conditions 22 OP
Description: Failure to maintain emissions below the allowable emission limit.
- 15 **Effective Date: 08/27/2011** **ADMINORDER 2011-0192-AIR-E** **(1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
Special Terms & Conditions No. 22 OP
Description: Failure to maintain emissions below the allowable emission limit.
- 16 **Effective Date: 04/23/2012** **ADMINORDER 2011-1562-AIR-E** **(1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP O1317, Special Condition 22 OP
NSR Flexible Permit No. 16989, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP O1317, ST & C 22 OP
NSR Flexible Permit No. 16989, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

17 **Effective Date: 06/22/2012 ADMINORDER 2011-2129-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:1317, Special Condition 22 OP
SC1 PERMIT
Special Condition No. 1 PERMIT

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

18 **Effective Date: 11/11/2012 ADMINORDER 2012-0809-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:16989/PSD-TX-794 Special Condition 1 PERMIT
Special Condition 22 OP

Description: Failed to prevent unauthorized emissions during an event on December 8, 2011 (Incident No. 162629). Specifically, the Respondent released 295.65 pounds ("lbs") of volatile organic compounds (including 17.29 lbs of 1,3-butadiene), 196.19 lbs of carbon monoxide, and 38.51 lbs of nitrogen oxides of unauthorized emissions from the Light Olefins Unit Flare (Emission Point No. LOUFLARE) during the one hour 35-minute event. The event occurred due to a design flaw within the heat exchanger system.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 06, 2008	(682318)
Item 2	June 16, 2008	(695003)
Item 3	June 27, 2008	(682444)
Item 4	July 14, 2008	(695004)
Item 5	July 16, 2008	(683700)
Item 6	July 31, 2008	(684054)
Item 7	August 02, 2008	(686169)
Item 8	August 18, 2008	(716508)
Item 9	September 04, 2008	(687705)
Item 10	September 08, 2008	(702304)
Item 11	September 10, 2008	(716509)
Item 12	October 09, 2008	(716510)
Item 13	October 31, 2008	(704800)
Item 14	November 11, 2008	(731995)
Item 15	December 10, 2008	(731996)
Item 16	December 15, 2008	(721155)
Item 17	January 14, 2009	(731997)
Item 18	February 03, 2009	(723045)
Item 19	February 04, 2009	(708100)
Item 20	February 06, 2009	(755358)
Item 21	February 20, 2009	(725410)
Item 22	February 25, 2009	(720934)
Item 23	March 03, 2009	(736948)
Item 24	March 19, 2009	(755359)
Item 25	March 23, 2009	(726546)
Item 26	March 25, 2009	(736039)
Item 27	April 09, 2009	(722988)

Item 28	April 20, 2009	(755360)
Item 29	June 04, 2009	(744697)
Item 30	June 18, 2009	(744900)
Item 31	June 19, 2009	(744790)
Item 32	July 30, 2009	(748201)
Item 33	August 19, 2009	(817363)
Item 34	August 28, 2009	(763176)
Item 35	September 17, 2009	(817361)
Item 36	October 05, 2009	(775281)
Item 37	October 13, 2009	(775338)
Item 38	October 26, 2009	(775425)
Item 39	November 05, 2009	(777343)
Item 40	November 09, 2009	(778303)
Item 41	November 11, 2009	(779100)
Item 42	November 24, 2009	(817366)
Item 43	December 01, 2009	(760789)
Item 44	December 14, 2009	(817367)
Item 45	December 23, 2009	(782164)
Item 46	January 21, 2010	(817368)
Item 47	February 01, 2010	(787221)
Item 48	February 19, 2010	(792201)
Item 49	February 22, 2010	(788950)
Item 50	February 23, 2010	(791426)
Item 51	February 25, 2010	(817360)
Item 52	March 22, 2010	(788590)
Item 53	March 25, 2010	(835318)
Item 54	April 23, 2010	(835319)
Item 55	April 26, 2010	(794882)
Item 56	May 02, 2010	(793078)
Item 57	May 19, 2010	(801471)
Item 58	May 25, 2010	(801828)
Item 59	May 30, 2010	(800451)
Item 60	June 02, 2010	(824604)
Item 61	June 22, 2010	(847628)
Item 62	June 23, 2010	(824857)
Item 63	June 24, 2010	(825576)
Item 64	July 22, 2010	(862032)
Item 65	July 28, 2010	(843045)
Item 66	July 30, 2010	(827585)
Item 67	August 25, 2010	(868607)
Item 68	August 31, 2010	(841720)
Item 69	September 16, 2010	(864362)
Item 70	September 19, 2010	(842441)
Item 71	September 20, 2010	(843255)
Item 72	September 23, 2010	(875500)
Item 73	October 21, 2010	(883041)
Item 74	October 22, 2010	(864020)
Item 75	November 12, 2010	(872488)
Item 76	November 23, 2010	(797259)
Item 77	November 30, 2010	(879190)
Item 78	December 20, 2010	(897823)
Item 79	January 03, 2011	(886795)
Item 80	January 13, 2011	(903714)
Item 81	January 21, 2011	(880062)
Item 82	February 01, 2011	(892382)
Item 83	February 03, 2011	(885483)
Item 84	February 12, 2011	(895473)
Item 85	February 23, 2011	(895924)
Item 86	March 21, 2011	(905839)
Item 87	March 23, 2011	(906943)

Item 88	April 21, 2011	(929608)
Item 89	April 22, 2011	(797279)
Item 90	May 12, 2011	(906438)
Item 91	May 24, 2011	(939569)
Item 92	June 16, 2011	(933075)
Item 93	July 19, 2011	(954245)
Item 94	July 20, 2011	(924035)
Item 95	July 22, 2011	(936459)
Item 96	August 09, 2011	(943685)
Item 97	August 17, 2011	(948639)
Item 98	August 22, 2011	(948607)
Item 99	August 28, 2011	(936515)
Item 100	September 21, 2011	(966918)
Item 101	September 22, 2011	(956695)
Item 102	October 12, 2011	(949086)
Item 103	October 19, 2011	(972888)
Item 104	November 14, 2011	(979022)
Item 105	November 29, 2011	(964220)
Item 106	December 16, 2011	(985857)
Item 107	December 21, 2011	(968532)
Item 108	January 11, 2012	(980531)
Item 109	January 17, 2012	(992213)
Item 110	January 20, 2012	(968678)
Item 111	January 24, 2012	(980571)
Item 112	February 15, 2012	(999524)
Item 113	March 21, 2012	(1005065)
Item 114	March 26, 2012	(990071)
Item 115	March 27, 2012	(994174)
Item 116	April 20, 2012	(1011621)
Item 117	April 30, 2012	(996207)
Item 118	May 23, 2012	(1018002)
Item 119	June 05, 2012	(1009225)
Item 120	June 09, 2012	(1002197)
Item 121	June 14, 2012	(1025744)
Item 122	June 25, 2012	(1009271)
Item 123	July 24, 2012	(1033092)
Item 124	August 02, 2012	(1021644)
Item 125	August 07, 2012	(1016272)
Item 126	August 15, 2012	(1039607)
Item 127	September 06, 2012	(1048533)
Item 128	September 12, 2012	(1027401)
Item 129	September 13, 2012	(1028287)
Item 130	September 17, 2012	(1028376)
Item 131	October 05, 2012	(1035442)
Item 132	October 18, 2012	(1037417)
Item 133	October 23, 2012	(1068804)
Item 134	October 31, 2012	(1037558)
Item 135	November 16, 2012	(1068805)
Item 136	November 20, 2012	(1042293)
Item 137	November 30, 2012	(1046513)
Item 138	December 12, 2012	(1046262)
Item 139	December 17, 2012	(1068806)
Item 140	January 14, 2013	(1082412)
Item 141	January 15, 2013	(1053603)
Item 142	February 20, 2013	(1058820)
Item 143	February 21, 2013	(1058848)
Item 144	February 22, 2013	(1082411)
Item 145	February 27, 2013	(1059512)
Item 146	March 14, 2013	(1058933)
Item 147	March 25, 2013	(1090952)
Item 148	April 05, 2013	(1077120)

Item 149	April 08, 2013	(1076625)
Item 150	April 29, 2013	(1085330)
Item 151	May 01, 2013	(1077440)
Item 152	May 02, 2013	(1086669)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 **Date:** **07/26/2012 (1009490)** **CN603743030**
Self Report? NO Classification: Minor
Citation: OR, 11 (B) PERMIT
Description: Failure to maintain Inspection Summary Reports according to the permit Other Requirements (OR), No. 11 (B).

- 2 **Date:** **08/07/2012 (1007837)** **CN603743030**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, Special Condition 6 PERMIT
 Special Terms and Conditions 1(A) OP
Description: Failure to make a first attempt at repair on leaking valves within five days, and complete the repairs within of fifteen days of detecting those leaks.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1030(c)
 40 CFR Part 60, Subpart VV 60.482-4(b)(1)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, Special Condition 6 PERMIT
 Special Terms and Conditions 1(A) OP
Description: Failure to repair and remonitor Pressure Relief Valves (PRVs) within five days of detecting those leaks.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, Special Condition 14(I) PERMIT
 Special Terms and Conditions 1(A) OP
Description: Failure to repair a leaking pump, within 15 days of detecting the leak.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(1)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, Special Condition 6 PERMIT
 Special Terms and Conditions 1(A) OP
Description: Failure to complete the repairs on leaking connectors within of fifteen days detecting those leaks.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181
 40 CFR Part 60, Subpart VV 60.486
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, Special Condition 14(A) PERMIT
 PSD-TX-794, Special Condition 15(A) PERMIT
 Special Terms and Conditions 22 OP
Description: Failure to maintain an accurate list of Leak Detection and Repair (LDAR)

components.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(d)(1)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 15(H) PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to repair components on delay of repair (DOR) during the next shutdown.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSD-TX-794, GC H PERMIT

Description: Failure to submit an accurate Title V Semiannual Deviation Report (SDR) and an accurate Permit Compliance Certification (PCC).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(ii)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, SC 8(D) PERMIT
Special Terms and Conditions 22 OP

Description: Failure to conduct annual visual inspections of Aromatic Unit (AU) Tank 4880 at least once every 12 months.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, General Condition 10 PERMIT
Special Terms and Conditions 2(F) OP

Description: Failure to create final records of nonreportable emissions events (EEs) within 14 days from the end of the event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 14(E) PERMIT
PSD-TX-794, Special Condition 15(E) PERMIT
Special Terms and Conditions 1A OP

Description: Failure to install a cap, blind flange, plug, or a second valve on equipment operating in volatile organic compound (VOC) service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 25(C) PERMIT
Special Terms and Conditions 22 OP

Description: Failure to switch the American Petroleum Institute (API) Separator carbon canisters within three hours of volatile organic compound (VOC) breakthrough.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 10 PERMIT

Special Terms and Conditions 1(A) OP

Description: Failure to maintain the minimum net heating value of gas being combusted for a flare at or above 300 British thermal units per standard cubic feet (Btu/scf).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, GC H PERMIT
SC 21 OP

Description: Failure to maintain three hour average combustion zone temperatures for Light Olefins Unit (LOU) Heater #1 of at least 578 degrees Fahrenheit (F).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, GC H PERMIT
SC 21 OP

Description: Failure to maintain three hour average combustion zone temperatures for Light Olefins Unit (LOU) Heater #2 of at least 502 degrees Fahrenheit (F).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, GC H PERMIT
SC 21 OP

Description: Failure to maintain three hour average combustion zone temperatures for Light Olefins Unit (LOU) Boiler #8 of at least 1779 degrees Fahrenheit (F).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(3)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, GC H PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to conduct appropriate calibrations on the Photoionization Detector (PID) before monitoring carbon canisters.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.144
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSD-TX-794, GC H PERMIT

Description: Failure to conduct appropriate visual inspections on water seals.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.136(a)(2)(C)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, GC H PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to monitor the volatile organic compound (VOC) concentration in the exhaust gas of the American Petroleum Institute (API) Separator Carbon Absorption System (CAS) every 15 minutes whenever the CAS is operating.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSD-TX-794, GC H PERMIT

Description: Failure to monitor the volatile organic compound (VOC) concentration in the exhaust gas of the Carbon Absorption System (CAS) every day whenever the CAS is operating.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSD-TX-794, GC H PERMIT
Description: Failure to submit the required 30 day notice to the Texas Commission on Environmental Quality (TCEQ) before conducting seal gap measurements on an external floating roof (EFR) storage tank.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(d)(1)(ii)(B)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSD-TX-794, General Condition 10 PERMIT
Description: Failure to document the starting date of a car seal bypass.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, SC 23(B) PERMIT
Special Terms and Conditions 22 OP
Description: Failure to report down time for the H Furnace Continuous Emissions Monitoring Systems (CEMS) to the Texas Commission on Environmental Quality (TCEQ) Beaumont Regional Director.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, General Condition 10 PERMIT
Special Terms and Conditions 3(B)(iv)(1) OP
Description: Failure to conduct a quarterly visible emissions observation on Light Olefins Unit (LOU) Boiler 8 during the first quarter of 2012.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 10 PERMIT
Special Terms and Conditions 1(A) OP
Description: Failure to maintain a flare log for the Propylene Oxide Vapor Combustor at the Neches River dock.

3

Date: 01/03/2013 (1043103) CN603743030
Self Report? NO Classification: Minor
Citation: 16989/PSD-TX-794, General Condition 10 PERMIT
16989/PSD-TX-794, Special Condition 22 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 117, SubChapter B 117.145(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP-O-01317, Special Condition 7 OP
Description: Failure to submit a Relative Accuracy Test Audit (RATA) within 60 days of testing completion.

F. Environmental audits:

Notice of Intent Date: 07/17/2008(688108)

No DOV Associated

Notice of Intent Date: 08/18/2008(703367)

No DOV Associated

Notice of Intent Date: 10/05/2010(870545)

Disclosure Date: 04/08/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: Emission calculations conducted in the data historian do not follow the reference method calculation protocols in 40 CFR 60, Appendix A, Test Method 19 for using monitored diluent concentrations to estimate mass emission rates.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.123(c)(1)(C)

Description: The emissions total used to demonstrate compliance with the Ch. 117 source cap is not consistent with the regulation. The regulation requires that a fixed measured hourly emission rate be used for units without a CEMS, but the site uses a variable emission rate based on the fuel firing rate to make the demonstration.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.140(a)

Description: The pilot gas flow tags used in calculating the contribution of pilot gas to the fuel gas firing rate appear not to be functional, and are producing bad data (negative and highly variable flows which appear inaccurate) which are slightly impacting emission calculations.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.145(d)(3)

Description: CEMS downtime is excluded based on no creacking feed flow instead of no fuel feed flow.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: Verification that the current analyzers are the same ones that underwent initial certification is not possible because the serial numbers listed in the initial certifications were for each collective CEMS installation and not the analyzers themselves. Records indicating actual analyzer serial numbers were not available to auditors.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: The CEMS Negative Drift Level is not sufficiently high. The negative drift should be set at greater than 4 times the CD, which for NOx should be > -15 ppm and for CO should be > -80 ppm, based on existing ranges.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: A test for stratification is required in the initial Certification test to validate the use of three point sampling. After reviewing the initial certification reports, the audit team did not find proof of a test for stratifications for all furnaces.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: Downtime in the current reporting tools begins in the first hour of any failed QA/QC check. The downtime should begin at the time corresponding to the completion of the daily Calibration Drift check preceding the daily CD check that results in a CD in excess of four times the allowable limit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.154(a)(5)

30 TAC Chapter 117, SubChapter B 117.154(b)(2)(D)

Description: The EPN names are not consistent with the site's permit or emissions inventory, the data substitution method indicated in the final control plan is not allowed by the rule, and not what is used, and not all exempt sources (emergency engines) have been included in the final control plan with documentation of the exemption being claimed.

Notice of Intent Date: 10/14/2010(877037)

Disclosure Date: 04/19/2011

Viol. Classification: Major

Citation: 2B TWC Chapter 11, SubChapter A 11.121

30 TAC Chapter 297, SubChapter B 297.11

Description: Failure to produce documentaion of the contract or agreement that authorizes PAC to withdraw water from the Drainage District #7 (DD#7) canal for use as 'service water' (water withdrawal would typically require a TCEQ permit & fee payment)

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to finalize the facility's stormwater pollution prevention plan and failed to implement it at the time of the audit. Specifically, the monthly inspection reports, the annual training and records, and the mangement certification of commitment were missing.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to be able to locate the discharge monitoring report from Nov. 2007.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to replace the roof after removing to access the pump. Significant material residues were exposed (diesel fuel and oil) from the backup diesel generator pump which could have gone into stormwaterwater Outfall 002.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to use good housekeeping at Outfall 002 stormsater discharge swale as the oil absorbent boom needs replacement, and maintenance of the underflow weir were identified as needed at the time of the audit.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Best Management Practices were not utilized as follow up with maintenance to check PMs and operational status on Outfall #001's emergency diesel pumps is needed; the shed at Outfall 002 over the pump station was open to rain and oils were noted on the concrete floor of the structure; and the diesel generators for the fire pump by Reseroic 14 were observed to have exposed oils and a sulfuric acid battery.

Notice of Intent Date: 03/22/2011(914660)

No DOV Associated

Notice of Intent Date: 03/27/2013(1087037)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
FLINT HILLS RESOURCES PORT
ARTHUR, LLC
RN100217389**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-0966-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Flint Hills Resources Port Arthur, LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 4241 Savannah Avenue in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about May 12, 2013 and June 4, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nineteen Thousand Six Hundred Eighty-Nine Dollars (\$19,689) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Eight

Hundred Seventy-Six Dollars (\$7,876) of the administrative penalty and Three Thousand Nine Hundred Thirty-Seven Dollars (\$3,937) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Seven Thousand Eight Hundred Seventy-Six Dollars (\$7,876) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On February 10, 2013, made a repair to stop the leak of the effluent line clamp associated with the F Cracking Furnace to prevent the recurrence of emissions events due to same or similar causes as Incident No. 178543;
 - b. On March 14, 2013, the vendor associated with this event conducted a Safety Stand Down meeting with their personnel to discuss the importance of situational and environmental awareness of surroundings to prevent the recurrence of emissions events due to same or similar causes as Incident No. 180402; and
 - c. On April 24, 2013, modified the procedure to address the primary indicators of lube oil flow into the accumulator to prevent the recurrence of emissions events due to same or similar causes as Incident No. 179942.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01317, Special Terms and Conditions ("STC") No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 25, 2013. Specifically, the Respondent released 7.98 pounds ("lbs") of cyclopentadiene, 56.37 lbs of 1,3-butadiene, 32.80 lbs of acetylene, 27.85 lbs of benzene, 2.96 lbs of ethylbenzene, 1,732.06 lbs of ethylene, 11.87 lbs of methylcyclopentadiene, 33.87 lbs of propane, 64.39 lbs of propylene, 2.67 lbs of styrene, 4.16 lbs of toluene, 18.41 lbs of miscellaneous volatile organic compounds, 3.87 lbs of 1-butene, 5.89 lbs of butane, and 3.27 lbs of carbon monoxide ("CO"), during an emissions event (Incident No. 178543) that began on January 24, 2013 and lasted 75 hours. The event occurred when a leak developed on an effluent line clamp associated with the F Cracking Furnace. Since this emissions event could have been prevented by better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1, FOP No. 01317, STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 22, 2013. Specifically, the Respondent released 2,632.76 lbs of CO, 5,079.69 lbs of ethylene, 333.47 lbs of propylene, 65.53 lbs of propane, 77.41 lbs of butane, 9.46 lbs of isobutane, 32.71 lbs of isobutylene, 81.06 lbs of 1,3-butadiene, 219.58 lbs of pentane, 54.39 lbs of benzene, 16.06 lbs of toluene, 5.19 lbs of ethylbenzene, 4.35 lbs of xylenes, 364.52 lbs of nitrogen oxides ("NOx"), and 36.06 lbs of butylene from the Light Olefins Unit ("LOU") Flare, during an emissions event (Incident No. 180402) that began on March 13, 2013 and lasted five hours and six minutes. The event occurred when a quarter turn ball valve on an instrument air supply line to LC 330, Ethylene Tower Condenser control valve was unintentionally closed. Since this emissions event could have been prevented by better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1, FOP No. 01317, STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 22, 2013. Specifically, the Respondent released 51.81 lbs of 1-butene, 65.70 lbs of 1-3 butadiene, 46.61 lbs of butane, 2,795.84 lbs of CO, 4.92 lbs of ethylbenzene, 4,263.49 lbs of ethylene, 12.27 lbs of isobutane, 38.13 lbs of isobutylene, 387.09 lbs NOx, 173.51 lbs of n-pentane, 208.35 lbs of propane, 463.48 lbs of propylene, 9.20 lbs of toluene, 4.19 lbs of xylenes, and 50.86 lbs of benzene from the LOU Flare, during an emissions event (Incident No. 179942) that began on March 1, 2013 and lasted seven hours and 15 minutes. The event occurred when a loss of lube oil pressure caused the ethylene and propylene refrigeration compressors to shutdown. Since this emissions event could have

been prevented by better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Flint Hills Resources Port Arthur, LLC, Docket No. 2013-0966-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Seven Thousand Eight Hundred Seventy-Six Dollars (\$7,876) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the

Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Davis
For the Executive Director

10/31/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

8/12/2013
Date

Jeff Tilley
Name (Printed or typed)
Authorized Representative of
Flint Hills Resources Port Arthur, LLC

Vice President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-0966-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Flint Hills Resources Port Arthur, LLC
Penalty Amount:	Fifteen Thousand Seven Hundred Fifty-Two Dollars (\$15,752)
SEP Amount:	Seven Thousand Eight Hundred Seventy-Six Dollars (\$7,876)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission - Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Administrator and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640

Flint Hills Resources Port Arthur, LLC
Agreed Order - Attachment A

8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Administrator and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency ("EPA") guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Administrator must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Administrator. The Third-Party Administrator may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter, sulfides, nitrogen oxides, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-

Flint Hills Resources Port Arthur, LLC
Agreed Order - Attachment A

butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the TCEQ, industry, and the public at http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Administrator. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Southeast Texas Regional Planning Commission
Bob Dickinson, Director of Transportation & Environmental Resources
Attention: SEP
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in No. 3 above, the Executive Director may require immediate payment of all or part of the SEP

Flint Hills Resources Port Arthur, LLC
Agreed Order - Attachment A

amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in No. 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.